

Comments on CT Transfer of Assets Demonstration

1. General – CMS has received substantial negative comments from elder law attorneys and the CT General Assembly regarding this proposal. Concerns range from not taking into account General Assembly disapproval of this proposal before submission to CMS, to the potential negative consequences on affected beneficiaries at a time when they need care the most. How does the state react to these comments? What steps did the state undertake to address and resolve these concerns prior to proposal submission? What are Connecticut’s public notice requirements? What actions were taken to publicize this proposal to interested parties – both consumers and providers? Has the state considered the 9/27/94 Federal Register provisions for public notice?
2. Page 4, Item B. – Please provide more detail on what real property would be subject to the extended lookback period. The application states that transfers that are currently exempt or excepted under the transfer rules would not be subject to an extended lookback period, but provides no information about what transfers would be subject to an extended lookback period.
3. Page 7 – Please provide the status of the Department’s proposed legislation to provide additional protections for vulnerable populations under the demonstration. In the absence of this legislation, what protections are in place?
4. Please provide a more detailed explanation of historical experience and trending used in developing the budget neutrality model. Specifically:
 - Please explain the figures and trend rates utilized in the NF and HCB tables on page 19.
 - Please clarify the state’s assumption of zero months of penalty actually served for without waiver calculations, when the state admits some individuals did incur a penalty? Please provide further explanation of the historical experience in delaying Medicaid reimbursement for long-term care through imposed penalty periods.
 - Please explain the jump in HCBS populations in 1998 and 1999, as well as the decrease in nursing home population at the same time.
 - Is FFY 1997 the latest data available? The application notes that 1998 - 2000 data was available to develop trend rates -- could this data be used for the base year?
5. Are there any increased costs associated with the establishment of new asset transfer thresholds? If so, these costs should be included in the budget neutrality calculations.
6. The proposal should be modified to request that the Secretary waive compliance with section 1902(a)(18) which requires that states “comply with the provisions of section 1917 with respect to liens, adjustments and recoveries of medical assistance correctly paid, transfers of assets, and treatment of certain trusts.” We will work with the state to craft appropriate language to accomplish the goals of the demonstration through a waiver of 1902 (a)(18).